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Date: 15 February 2022
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CONSTITUTIONAL REVIEW WORKING PARTY

23 FEBRUARY 2022

A meeting of the Constitutional Review Working Party will be held at **2.00 pm on Wednesday, 23 February 2022** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

Independent Members: Peter Tucker (Chair);

Councillors: Ashbee, Hopkinson, Rusiecki and Hart

A G E N D A

Item

Subject

No

6. MEMBERS' QUESTIONS (Pages 3 - 6)

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QUESTIONS FROM MEMBERS TO COUNCIL

Meeting	Constitutional Review Working Party
Date	23 February 2022
Report Author	Director of Law and Democracy
Portfolio Holder	Cllr Ash Ashbee, Leader
Status	For Recommendation
Classification:	Unrestricted
Ward:	All

Executive Summary:

A report to consider revisions to the section on Members' Questions to Council under rule 14 in Part 4 of the Constitution (Rules of Procedure), specifically rule 14.6 - "Scope of Questions" and rule 14.8 - "Supplementary Questions".

Recommendation(s):

CRWP is asked to consider the suggestions in this report and to make any further suggestions/amendments they wish for consideration by Standards Committee and, subsequently, Council, for amendments to the Constitution.

Corporate Implications

Financial and Value for Money

There are no financial implications to this report

Legal

There are no legal implications to this report

Corporate

The ability of members to ask questions on notice to members of Cabinet and/or Chairs of committees is an important part of the democratic process and shows that the Council is open and transparent about its decision making. However, it is important that questions are asked in the right way and the opportunity is not wasted by time spent on inappropriate questions. Therefore it is important periodically to review the rules around the procedures for asking questions.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no equality implications arising out of this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

- 1.1 There have been a number of questions raised at Council recently by councillors which have been considered inappropriate, in that they would be better raised as operational issues to the department concerned or relate to issues about which the Council has little or no control - e.g. questions about national planning policy.
- 1.2 It has been perceived that some of these questions arise out of political motivation, but nevertheless it is relevant to consider whether rule 14.6, "Scope of Questions", can be amended to better guide members' questions. It is also relevant to consider rule 14.8, "Supplementary Questions".
- 1.3 A number of suggestions have been made about amendments and these are shown below in red.

2.0 The Current Situation

- 2.1 The current version of rules 14.6 and 14.8 are as follows, with possible amendments shown in red:

14.6 Scope of questions

A question shall not be:

- defamatory, frivolous or offensive;
- **related to a straightforward operational matter, which should be directed at a Service Director**
- substantially the same as a question which has been put at a meeting of the Council in the past six months;
- such as to require the disclosure of confidential or exempt information;
- related to an individual planning or licensing application; or

- related to the ethical conduct of individual Members of Council unless the conduct relates to the Member acting as a Member of the Council.
- related to a matter which has already been raised as a Standards Complaint against a member and which has not yet been concluded through the Code of Conduct procedures.

When the Chief Executive considers rejecting a question, they will consult with the Chair of the Council first.

There is no right of appeal for rejected questions.

14.8 Supplementary question

A member asking a question under Rule 14.3 or 14.4 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. **The Chairman will be robust in refusing to allow questions which do not arise directly out of the original question or reply. The Chairman's view on the issue will be final.**

3.0 Options

- 3.1 Members are asked to consider whether to accept the suggested amendments, and/or make additional suggestions.

4.0 Next Steps

- 4.1 The recommendations agreed by the working group will be presented to Standards Committee for approval/comment and, if agreed, will be presented to Council for final approval.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

Corporate Consultation

Finance: N/A

Legal: N/A

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